IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 5370 of 2007(L)

PETITIONER:

YOONUS KUNJU, SUB INSPECTOR OF POLICE (RETIRED), FROM CITY TRAFFIC POLICE, KOLLAM, RESIDING AT BISMI HOUSE, NEERAVIL, PERINAD P.O. KOLLAM 691 003.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:

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1. **THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO THE HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM.**

3. **THE DIRECTOR, VIGILANCE AND ANTI CORRUPTION BUREAU, THIRUVANANTHAPURAM.**

4. **THE SUPERINTENDENT OF POLICE, KOLLAM.**

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.5370 OF 2007-L.

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Dated this the 19th day of February, 2007.

J U D G M E N T

Ext.P6 representation filed by the petitioner is pending with the 1st respondent. The petitioner retired from service as Sub Inspector of Police on 29-2-2004. A few days before his retirement he was placed under suspension pending enquiry into certain allegations of misconduct against him and some others. The period of suspension was from 5-2-2004 to 29-2-2004. Since no order reinstating the petitioner was passed he retired from service while under suspension. Long thereafter the Government found that action will have to be taken against those which were involved in the alleged acts of misconduct and since the petitioner by that time was retired from service, proceedings need not be continued. Now what remains to be done is to take decision regarding the regularisation of the period from 5-2-2004 to 29-2-2004. Based on the order thus passed the petitioner's terminal benefits also have to be worked out and whatever amounts due to him has to be paid. Ext.P6 representation dated 18-8-2006 filed by the petitioner before the 1st respondent

praying for appropriate reliefs. Counsel for the petitioner submits that this Court may direct the 1st respondent to take early decision on Ext.P6.

2. In the circumstances there shall be an order directing the 1st respondent to consider Ext.P6 representation and take decision regarding the regularisation of the period of suspension from 5-2-2004 to 29-2-2004. This shall be done after notice to the petitioner and within six weeks from the date of receipt of a copy of this judgment. After taking decision on Ext.P6, the 1st respondent shall consider the question of payment of terminal benefits to the petitioner. For that purpose whatever proceedings will have to be issued shall be done as early as possible, at any rate, within two months from the date of passing orders on Ext.P6. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for information and compliance.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-